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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

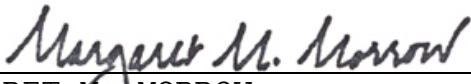
10 JEREMY KINGSLEY AUSTIN, ) CASE NO. CV 09-8159-MMM (PJW)  
11 )  
12 Petitioner, )  
13 v. ) ORDER ACCEPTING REPORT AND  
14 ) RECOMMENDATION OF UNITED STATES  
15 ) MAGISTRATE JUDGE AND DENYING  
16 ) CERTIFICATE OF APPEALABILITY  
17 )  
18 Respondent. )  
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16 Pursuant to 28 U.S.C. Section 636, the Court has reviewed the  
17 Petition, records on file, and the Report and Recommendation of the  
18 United States Magistrate Judge. Further, the Court has engaged in a  
19 *de novo* review of those portions of the Report to which Petitioner has  
20 objected. The Court accepts the findings and recommendation of the  
21 Magistrate Judge.

22 Further, for the reasons stated in the Report and  
23 Recommendation, the Court finds that Petitioner has not made a  
24 substantial showing of the denial of a constitutional right and,  
25 therefore, a certificate of appealability is denied. See Rules  
26 Governing Section 2254 Cases in the United States District Courts,  
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1 Rule 11(a); 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El*  
2 *v. Cockrell*, 537 U.S. 322, 336 (2003).

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4 DATED: November 19, 2011.

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7 MARGARET M. MORROW  
8 UNITED STATES DISTRICT JUDGE  
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